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It is not unreasonable to hope that one consequence of the mingling in our great law schools of earnest students from all parts of the Union, will be the attainment of greater uniformity of legislation throughout the country—the promotion of which has engaged the time and attention of public-spirited lawyers for more than a quarter of a century.

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THE MOSELY EDUCATIONAL COMMISSION.—The recent visit to the law school of Mr. W. P. Groser, of the Inner Temple, Barrister at Law, may be regarded as a significant event when it is considered what induced it. Mr. Groser is a member of the Mosely Educational Commission, and is especially charged to inquire into the American system of legal education. He is also the representative on the commission of the Parliamentary Industry Committee.

The fact that many Englishmen are of the opinion that England may learn from us much to her advantage as to educational matters, the fact that Mr. Alfred Mosely shows his faith in this opinion by expending a large sum of money in sending this commission here to investigate our educational institutions, and the fact that in this investigation is included an inquiry into our system of legal education, are certainly significant. In spite of all efforts that have been made to improve legal education in England, it is still far from thorough. It would be difficult to explain how so many Englishmen have become, nevertheless, thorough lawyers, did we not remember that competition at the Bar has been so severe that the leaders have been forced to do their very best in all their professional work. It is probably true, however, as many Englishmen have said, that the more systematic training obtained by American law students in the schools results in a higher general average of professional learning and ability.

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PENAL STATUTE—"MEDICAL ATTENDANCE"—DIVINE HEALING—CONSTITUTIONAL LAW.—The construction in a recent case of a phrase in the New York Penal Code involved a question not only interesting on account of its intrinsic importance, but also because of its view of the relation of certain religious developments to the law. *People v. Pierson* (1903), — N. Y. —, 68 N. E. Rep. 243. The defendant in the case was indicted because of failure to furnish to his minor child the "medical attendance" imposed by law. The child had contracted an illness which finally resulted in her death. "The defendant testified that for about 48 hours before the child died he observed that her symptoms were of a dangerous character, and yet he did not send for or call a physician to treat her, although he was able, financially, to do so. His reason for not calling a physician was that he believed in Divine healing, which could be accomplished by prayer. He stated that he belonged to the Christian Catholic Church of Chicago; that he did not believe in physicians, and his religious faith led him to believe that the child would get well by prayer. He believed in disease, but believed that religion was a cure of disease." The New York Penal Code made it a misdemeanor for any one upon whom the law imposed the duty, to fail to furnish medical attendance to a minor.

The court, after disposing of the question whether such duty had been imposed upon the defendant, addressed itself to determine the meaning of "medical attendance." "Does it mean a regularly licensed physician, or may some other person render 'medical assistance?' " The growth of medical science was reviewed, and its gradual recognition in the law, until, from the middle of the eighteenth century, "it has come to be regarded as a duty devolving upon persons having the care of others to call upon medical assistance in case of serious illness." Further, to protect the public, medical practice was restricted to those licensed and registered, and those having a diploma from some incorporated college conferring the degree of doctor of medicine. The conclusion was therefore reached "That the medical attendance required by the Code is the authorized medical attendance prescribed by the statute," and the conviction of the defendant was held proper.

The contention that the provisions of the Code were violative of the state constitution, which gave religious liberty to all, was answered by the court: "Full and free enjoyment of religious profession and worship is guaranteed, but acts which are not worship are not. A person cannot, under the guise of religious belief, practice polygamy, and still be protected from our statutes constituting the crime of bigamy. He cannot, under the belief, or profession of belief that he should be relieved from the care of children, be excused from punishment for slaying those who have been born to him. \* \* \* \* The law of nature, as well as the common law, devolved upon the parents the duty of caring for their young in sickness and in health, and doing whatever may be necessary for their care, maintenance, and preservation, including medical attendance, if necessary: and an omission to do this is a public wrong, which the state under its police power may prevent."

The opinion concluded as follows: "We are aware that there are people who believe that the Divine power may be invoked to heal the sick, and that faith is all that is required. There are others who believe that the Creator has supplied the earth, nature's storehouse, with everything that man may need for his support and maintenance, including the restoration and preservation of his health, and that he is left to work out his own salvation, under fixed natural laws. There are still others who believe that Christianity and science go hand in hand, both proceeding from the Creator; that science is but the agency of the Almighty through which He accomplishes results; and that both science and Divine power may be invoked together to restore diseased and suffering humanity. But sitting as a court of law, for the purpose of construing and determining the meaning of statutes, we have nothing to do with these variances in religious beliefs, and have no power to determine which is correct. We place no limitations upon the power of the mind over the body, the power of faith to dispel disease, or the power of the Supreme Being to heal the sick. We merely declare the law as given us by the legislature."

The same question in slightly different form has come up several times. That this decision is in accord with principle and the authorities, see 2 MICHIGAN LAW REVIEW, 149 (November, 1903); and 13 *Yale Law Journal*, 42 (November, 1903).

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